

Samuel Maida (SBN 333835)  
HAUSFELD LLP  
600 Montgomery Street, Suite  
3200 San Francisco, CA 94111  
Tel: 415-633-1908  
Fax: 415-358-4980  
Email: [smaida@hausfeld.com](mailto:smaida@hausfeld.com)

Manuel J. Dominguez (*pro hac vice*)  
COHEN MILSTEIN SELLERS &  
TOLL PLLC  
11780 U.S. Highway One, Suite N500  
Palm Beach Gardens, FL 33408  
Tel: 561-515-2604  
Fax: 561-515-1401

Jeffrey J. Corrigan (*appearance pro hac vice*)  
SPECTOR ROSEMAN & KODROFF, P.C.  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Tel: 215-496-0300  
Fax: 215-496-6611  
Email: [jcorrigan@srkattorneys.com](mailto:jcorrigan@srkattorneys.com)

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL ROBOT  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Lead Case No: 3:21-CV-03825-AMO-LB

**DECLARATION OF ZACHARY R.  
GLUBIAK IN SUPPORT OF PLAINTIFFS'  
REPLY IN SUPPORT OF MOTION FOR  
CLASS CERTIFICATION**

Hearing Date: January 23, 2025  
Time: 2:00 PM  
Courtroom: 10 - 19th Floor  
Judge: Hon. Araceli Martínez-Olgún

I, Zachary R. Glubiak, declare as follows:

1. I am an associate at Cohen Milstein Sellers & Toll PLLC, and Interim Co-Lead Counsel for the Plaintiffs in this matter. I make this declaration based on my personal knowledge in support of Plaintiffs' Reply in Support of their Motion for Class Certification in the above captioned matter. If called upon to do so, I will testify competently to the facts set forth herein.

2. I certify that the following Table of Exhibits lists true and correct copies of all exhibits attached to this Declaration in support of Plaintiffs' Reply in Support of their Motion for Class Certification.

**TABLE OF EXHIBITS**

Exhibit #	Description
1	True and correct copy of the Corrected Class Certification Expert Report of Professor Einer Elhauge, July 13, 2024 ("Elhauge Class Rep."), the original version of which was previously submitted at ECF No. 268-2.
2	True and correct copy of the Amended Expert Rebuttal Report of James W. Hughes, Ph.D, August 16, 2024 ("Hughes Rep."), the original version of which was previously submitted at ECF No. 289-5.
3	True and correct copy of the Class Certification Expert Reply Report of Professor Einer Elhauge, October 8, 2024 ("Elhauge Class Reply").
4	True and correct copy of excerpts of the deposition of James W. Hughes, Ph.D., June 30, 2024 ("Hughes Dep.>").
5	True and correct copy of the Expert Report of Eugene Rubach, December 1, 2022 ("Rubach Rep."), previously submitted at ECF No. 267-6.
6	True and correct copy of excerpts of the Declaration of Mark Early in Support of Plaintiffs' Reply in Support of Motion for Class Certification, October 3, 2024 ("Early Decl.>").
7	True and correct copy of the document bates stamped FRANCISCAN-00056314 – Master Sales, License, and Service Agreement between Intuitive

	Surgical and Franciscan Alliance, Inc., September 28, 2020, previously submitted at ECF No. 267-15.
8	True and correct copy of excerpts of the deposition of Glenn Vavoso, May 14, 2021 (“Vavoso ( <i>Rebotix</i> ) Dep.”).
9	True and correct copy of the document bates stamped LARKIN-00025488 – Use, License & Service Agreement Between Intuitive Surgical and Larkin Community Hospital, June 9, 2017, previously submitted at ECF No. 267-16.
10	True and correct copy of the document bates stamped VMC-00020652 – Sales, License, and Service Agreement between Intuitive Surgical and Valley Medical Center, August 31, 2018, previously submitted at ECF No. 267-17.

Dated: October 8, 2024

Respectfully submitted,

/s/ Zachary R. Glubiak

**FILER'S ATTESTATION**

I, Manuel J. Dominguez, am the ECF user whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatory identified above has concurred in this filing.

Dated: October 8, 2024

Respectfully submitted,

/s/Manuel J. Dominguez

Manuel J. Dominguez (*pro hac vice*)

COHEN MILSTEIN SELLERS &

TOLL PLLC

11780 U.S. Highway One, Suite

N500

Palm Beach Gardens, FL 33408

Tel: 561-515-2604

Fax: 561-515-1401

Email:

jdominguez@cohenmilstein.com

*Interim Co-Lead Counsel for*

*Plaintiffs and the Proposed Class*